

REMARKS

The disclosure is objected to because copending serial numbers are missing. The specification is hereby amended to provide the serial numbers. Claims 3 and 33 are objected to for informalities, which are hereby corrected.

Claims 1-33 are rejected under 35 USC 103(a) as being unpatentable over Walker et al. (US 5,198,907) in view of Longacre, Jr. et al. (US 5,591,956), both cited by the Applicant. Reconsideration and allowance of the claims is requested for the following reasons.

As claimed in claims 1 and 23, Applicants' invention is directed to providing a reference calibration patch and a two-dimensional bar code with a finder feature on a photographic element, wherein the calibration patch bears a known spatial relationship to the finder feature of the two-dimensional bar code.

As admitted by Applicants, calibration patches with finder features were known in the prior art (Walker et al.), and two-dimensional bar codes with finder features were known (Longacre, Jr. et al.). The Examiner argues that it would have been obvious to substitute the finder feature of Walker et al. with the 2-D bar code of Longacre, Jr. et al. because such substitution would "provide image orientation, start code and frame reference to rapidly locate the image."

Applicants' disagree. It is well settled that the motivation for combining or modifying references must come from the prior art itself, not Applicant's teaching. There is no suggestion in Longacre, Jr. et al. that the locating feature in the bar code could be used for locating anything other than the bar code; this suggestion comes from Applicants' own disclosure. Similarly, there is no suggestion in Walker et al. of associating a bar code with a calibration patch; this suggestion also comes from Applicants' own disclosure. The advantages that the Examiner cites, i.e. that the combination would "provide image orientation, start code and frame reference to rapidly locate the image" likewise arise from Applicants' teaching, not from the prior art. It must be concluded therefore that the Examiner has impermissibly reconstructed the prior art with the hindsight provided by Applicants' own teaching. It is believed therefore that claims 1 and 23 are patentable over the prior art. The remainder of the

claims depend from claim 1 or 23 and are believed to be patentable for at least the same reasons.

It is believed that the claims in the application are allowable over the prior art and such allowance is respectfully requested.

The Commissioner is hereby authorized to charge any fees in connection with this communication to Eastman Kodak Company Deposit Account No. 05-0225.

A duplicate copy of this communication is enclosed.

Respectfully submitted,



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